

APPEAL NO. 030279
FILED MARCH 14, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 30, 2002. With respect to the single issue before her, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the sixth quarter. In her appeal, the claimant argues that the hearing officer erred in determining that she is not entitled to SIBs for the sixth quarter. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is not entitled to SIBs for the sixth quarter. Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). The SIBs criterion in issue is whether the claimant made a good faith effort to obtain employment commensurate with her ability to work during the qualifying period for the sixth quarter. The hearing officer found that the claimant did not satisfy the requirement of Rule 130.102(e) because she did not look for work commensurate with her ability to work in every week of the qualifying period. The record reflects that the hearing officer properly identified the 13 weeks of the qualifying period, noting that the "first day of each of the thirteen weeks of the qualifying period is the day of the week of the first day of the qualifying period." Thus, in this instance, the weeks ran from Friday to Thursday, because the first day of the qualifying period was Friday, May 31, 2002, and the last day of the qualifying period was Thursday, August 29, 2002. Texas Workers' Compensation Commission Appeal No. 002163-s, decided November 1, 2000. With the weeks properly identified, the hearing officer correctly determined that the claimant did not document job search efforts in the week that ran from July 26 to August 1, 2002. Accordingly, the hearing officer did not err in determining that the claimant did not satisfy the good faith requirement under Rule 130.120(e), which specifically requires that "an injured employee who has not returned to work and is able to return to work in any capacity shall look for employment commensurate with his or her ability to work every week of the qualifying period and document his or her job search efforts."

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Edward Vilano
Appeals Judge